



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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February 20, 2008

MARK JOHNSON, PRESIDENT
PROFESSIONAL FIRE FIGHTERS UNION
OF KITSAP COUNTY (IAFF LOCAL 2819)
PO BOX 3173
SILVERDALE WA 98383-3173

Subject: Complaint filed against Ken Erickson – PDC Case No. 08-090

Dear Mr. Johnson:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on November 5, 2007, alleging that Ken Erickson, fire commissioner for Central Kitsap Fire and Rescue and a candidate seeking re-election in 2007, used the public facilities of Central Kitsap Fire and Rescue to assist his election campaign.

PDC staff reviewed the allegations in light of the following statute:

RCW 42.17.130 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

WAC 390-05-273 states, in part: "Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner."

You alleged that Mr. Erickson used the public facilities of Central Kitsap Fire and Rescue to assist his 2007 re-election campaign by making statements about his campaign during a training meeting for fire district personnel, specifically volunteer firefighters.



We reviewed your complaint and Mr. Erickson's response to the complaint. We also spoke with Mr. Erickson, and meeting attendees Bob Muhleman (fire commissioner and volunteer firefighter) and Paul Stewart (Training Division Chief for Central Kitsap Fire and Rescue). As a result of our review, we found:

- Mr. Erickson attended the scheduled volunteer firefighter training meeting on October 3, 2007. The meeting was held at the fire district's administrative building.
- Mr. Erickson spoke briefly during the open comment/announcement portion of the meeting. He introduced himself as a fire commissioner, thanked the volunteers for their service, and stated that he was running for re-election in the upcoming general election. When he had finished speaking, an attendee asked if he needed help with his campaign. Mr. Erickson responded by informing the group that he had campaign signs in his car for anyone who would be interested, and said he could distribute them at the conclusion of the training meeting and drill period. His statements lasted less than one minute.
- At the end of the training drills, as attendees were leaving, some firefighters obtained campaign signs from Mr. Erickson in the fire district's administrative building parking lot. Mr. Erickson stated that, earlier in the day, he had been putting up campaign signs throughout the district and had some signs left in his car.
- Mr. Erickson said he has attended past volunteer firefighter training meetings, usually those held at the fire district's administrative building. He said he attends the training meetings because he feels it is important to maintain open communication between the fire commissioners and the volunteer firefighters, and to show support for the volunteer firefighters.

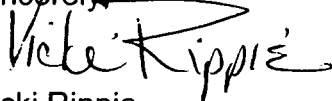
Mr. Erickson's attendance at the volunteer firefighter training meeting, and introducing himself to attendees, were permitted normal and regular activities for a fire commissioner. However, it was not appropriate for him to state that he was running for re-election, to state that he had campaign signs for anyone interested, even if he was responding to a question, or to distribute campaign signs in the fire district's administrative building parking lot.

Mr. Erickson will be reminded of the prohibition against using public facilities to assist a candidate's election campaign. He will be cautioned that similar behavior in the future could result in enforcement action. Other than the activities noted above, no evidence was found that Mr. Erickson used the facilities of Central Kitsap Fire and Rescue to assist his re-election campaign, and formal enforcement is not warranted in this instance.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing the complaint against Ken Erickson. Mr. Erickson is being notified of this dismissal by separate letter.

Thank you for bringing this matter to our attention. The process relies on citizens monitoring campaign activity to promote full compliance with the law. Your actions will contribute to better awareness of the Public Disclosure Law. If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free 1-877-601-2828.

Sincerely,

A handwritten signature in black ink that reads "Vicki Rippie". The signature is written in a cursive, flowing style with a large, sweeping "V" and a long, horizontal stroke at the end.

Vicki Rippie
Executive Director